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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/817,808
Filing Date: March 26, 2001
Appellant(s): MCCARTNEY ET AL.

Jeffrey Valley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/25/08 appealing from the Office action mailed 1/30/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is **not correct.** The changes are as follows:

. **Claims 1-19, 21-27, 39-47, 56-62 and 69-71** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. 2001/0031066 to

Meyer et al. ("Meyer") in view of U.S. Patent No. 6,549,922 to Srivastava et al. ("Srivastava").

. **Claims 29-34 and 36-38** stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,553,379 to Jaeger et al. ("Jaeger") in view of U.S. Patent No. 6,704,748 to Suganuma ("Suganuma").

. **Claims 35, 51, and 55** stand rejected under 35 U.S.C. § 103(a) as being obvious over Jaeger in view of Suganuma, and further in view of Srivastava.

. **Claims 72-76** stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,345,256 to Milsted et al. ("Milsted").

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001/0031066	Meyer et al.	10-2001
6,549,922	Srivastava et al	4-2003
6,553,379	Jaeger et al.	4-2003
6,704,748	Suganuma	3-2004
6,345,256	Milsted et al.	2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

(10) Response to Argument

A: Claims 1-19, 21-27, 39-47, 56-62 and 69-71 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. 2001/0031066 to Meyer et al. ("Meyer") in view of U.S. Patent No. 6,549,922 to Srivastava et al. ("Srivastava").

A.1: Applicant argues "if no logical ID is found that corresponds to the physical ID, attempting to establish a logical ID for the physical ID by causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the user's specific media can be collected from the user". (Appeal Pages 22-27: Claims 1, 8, 9, 10, 19, 27, 39, 47, 56, 61, 69)

Response to A.1:

Meyer discloses that if no match is found for an identifier or an identifier is not currently linked to a media content object then a registration process is initiated that uses a user interface such as a connection wizard to request information in order to generate an association (a mapping) between an identifier and a media content object. (Meyer para 007, ll 12-15; para 031, ll 12-16; para 031, ll 1-20: user interface for input of media information based on request/response procedure with server; registration of an ID and association of metadata with ID)

Meyer discloses a mapping between physical IDs and logical IDs. (Meyer para 018, ll 5-11; para 019, ll 1-5) Meyer discloses an association (i.e. a mapping) between an identifier and media content object (i.e. database record designating media such as a CD). This association is represented as a logical index (i.e. a logical ID) utilized to search a database and return a set of one or more database records. In addition, Meyer discloses that the database object contains other information used in decoding and identifying the object, such as its distributor or broadcaster. This other information also contains additional identification information such as a physical ID (i.e. other identification information) for the media content object.

A.2: Applicant argues "attempt[ing] to establish a logical ID for the physical ID by causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the user's specific media can be collected from the user." (Appeal Page 29)

Response to A.2:

Meyer discloses that if no match is found for an identifier or an identifier is not linked to a media content object then registration process using a user interface such as a connection wizard is initiated to request information in order to generate an association (an action) between an identifier and a media object. (Meyer para 007, ll 12-15; para 031, ll 12-16; para 031, ll 1-20: user interface for input of media information based on request/response procedure with server; registration of an ID and association of metadata with ID)

The limitation of a Wizard is met by the Meyer disclosure of an interactive user interface utilized for the input of information, which is forwarded to a program for processing. A wizard is utilized to guide a user through a series of steps to achieve a result. (Meyer para 029, ll 9-14; para 058, ll 14-19: interactive user interface)

A.3: Applicant argues the "dependent Claims **2-4, 11-18, 21-26, 40-46, 57-60, 62, 70, 71**". (Appeal Page 30)

Response to A.3:

Arguments for dependent claims are based upon above arguments for independent claims 1, 10, 19, 39, 56, 61, 69. The successful responses to arguments for independent claims 1, 10, 19, 39, 56, 61, 69, also successfully respond to the current arguments against the dependent claims 2-4, 11-18, 21-26, 40-46, 57-60, 62, 70, 71.

B: Claims 29-34 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,553,379 to Jaeger et al. ("Jaeger") in view of U.S. Patent No. 6,704,748 to Suganuma ("Suganuma").

B.1: "wherein different instances of a specific media with the same content thereon are associated with different physical IDs that are mappable to the same logical ID" (Appeal Pages 31, 32)

Response to B.1:

Meyer discloses a mapping between physical IDs and logical IDs. (Meyer paragraph 018, ll 5-11; paragraph 019, ll 1-5) Meyer discloses an association (i.e. mapping) between an identifier and an object such as a database record designating media on a CD. This association is a logical index (i.e. logical ID) utilized to search a database and return a set of one or more database records. In addition, Meyer discloses that the database object contains other information used in decoding to identify the object, such as its distributor or broadcaster. This other information contains additional identification information such as the physical ID (i.e. other identification information). Multiple physical IDs (i.e. information for multiple database records) can be associated (i.e. mapped) to a single logical ID. (Meyer Paragraph [0018], ll 5-9: mapping between physical ID and logical ID) Therefore, Meyer discloses the capability for one logical ID to be mapped to multiple physical IDs. (i.e. multiple BackStreet Boys CDs (i.e. physical IDs) returned in response to one logical ID)

The retrieval of multiple database records in response to a query is a standard and not novel occurrence. If the database contains multiple records, which satisfy or match the set of terms utilized for the search query, multiple database records will be returned. There is nothing novel about this occurrence.
(Meyer paragraph 07, ll 12-15; paragraph 078, ll 1-6; paragraph 018, ll 5-11; paragraph 019, ll 1-5) and (Srivastava col 8, ll 37-41; col 8, ll 49-52: database mapping)

The referenced prior art discloses the capability for a physical ID that corresponds

to a specific media or specific CD or specific DVD associated with content. Meyer discloses identifiers (i.e. physical identifier) utilized to link media and metadata (i.e. contextual information about media content). (Meyer Paragraph [0012], ll 1-5: *link media with metadata via an identifier*) It is not required that the identifier (i.e. physical identifier) be unique for each identified object. (Paragraph [0016], ll 22-25: *not a requirement for a unique identifier, identifier can be a group type identifier (i.e. specific media type))* Media content can be any multimedia content (i.e. audio, video)), such as a CD or DVD type media. (Meyer Paragraph [0013], ll 8-12: *CD and DVD media types*)

B.2: "if the second low cost search is unsuccessful, conducing a third higher cost search of the canonical table to determine whether there is a matching physical ID with a corresponding logical ID" (Appeal Pages 31-34)

Response to B.2:

Meyer discloses a search procedure and the results of the search associated with an identifier (claim limitation stresses an identifier for a search item and a search index). In addition, Meyer discloses, *"a search of a database, a collection of databases"*. (Meyer para 078, ll 2-6: continuous search of multiple databases (each database: one or more relational tables) A continuous search is a first search: don't find what you are looking for; then a second search: don't find what you are looking for; …) The only reason to continue a search of more than one database is because the item being searched for has not been found. If there are only three tables to search, then, the search is complete after a third search.

By definition, a database is, *"A relational database is a set of tables containing data fitted into predefined categories. Each table (which is sometimes called a relation) contains one or more data categories in columns."*. (http://searchsqlserver.techtarget.com/sDefinition/0,,sid87_gci212885,00.html)

A collection of databases can be a collection or sets of tables (the designated low cost and high cost tables). A search of a collection of databases (tables: 1st search, 2nd search, 3rd search) is disclosed by Meyer.

A trusted table (canonical table: Specification Page 15, ll 21-22) is a table generated by the server (a somewhat "trusted" source). The less trusted table is a table generated by the user (a somewhat "less trusted" source. (Specification page 15, ll 20-23; page 16, ll 2-3: trusted and less trusted tables) Meyer and Suganuma disclose the generation of a database table. (Meyer para 078], ll 2-6: search tables based on identifier; see Suganuma col 2, ll 54-59: generation of tables: trusted and less trusted table))

C: Claims 35, 51, and 55 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jaeger in view of Suganuma, and further in view of Srivastava.

C.1: "if the second search is unsuccessful, search the first table using a third search, the third search comprising a higher cost search than the first search". (Appeal Page 35)

Response to C.1:

Applicant's invention discloses the usage of standard relational database functions such as searching utilizing a identifier (i.e. physical ID, logical ID), the retrieval of data record(s) based on a query (i.e. multiple physical IDs attached to a logical IDs, searching utilizing a small number or larger number of terms (i.e. low cost, high cost searches), and trusted and untrusted database tables (i.e. capability to input user data into a database table (i.e. untrusted, less trusted table). These are functions in the field of manipulation of a relational or even objected-oriented database are well known in the art. These are not novel ideas.

Each type of search low cost, high cost, search with untrusted and trusted tables are still relational database searches. The low cost search is defined as a search with a small number of terms and the high cost search is defined as a search with a larger number of search parameters.

Meyer discloses a search procedure and the results of the search associated with an identifier (claim limitation stresses an identifier for a search item and a search index). In addition, Meyer discloses, *"a search of a database, a collection of databases"*. (Meyer para 078, ll 2-6: continuous search of multiple databases (each database: one or more relational tables) A continuous search is a first search: don't find what you are looking for; then a second search: don't find what you are looking for; ...) The only reason to continue a search of more than one database is because the item being searched for has not been found. If there are only three tables to search, then, the search is complete after a third search.

The referenced prior art discloses the capability to utilize search tables. The Jaeger and Suganuma discloses the usage of multiple search tables to access the data within a database management system. (Suganuma col 3, ll 1-6: identifier ; col 1, l 66 - col 2, l 7 ; col 5, ll 10-13; col 6, ll 41-44; col 6, ll 45-48)

The referenced prior art discloses search capability utilizing different search criteria (i.e. low cost, high cost). Meyer discloses search capabilities. (Meyer Paragraph [0019], ll 3-5: *table data structure utilized for searching*) Meyer and Jaeger discloses a table data structure utilizing physical ID, logical ID mapping information. Meyer and Jaeger discloses a physical ID - logical ID table data structure (Jaeger col 4, ll 50-56: *physical ID, logical ID table*), utilizing different search techniques to obtain metadata information via an identifier.

C.2: "at least one other less trusted table containing multiple physical IDs and multiple logical IDs, individual physical IDs being mapped to individual logical IDs". (Appeal Pages 36, 37)

Response to C.2:

User generated table

Referenced prior art discloses the capability to utilize search tables. The Jaeger and Suganuma discloses the usage of multiple search tables to access the data within a database management system. (Suganuma col 3, ll 1-6: identifier ; col 1, l 66 - col 2, l 7 ; col 5, ll 10-13; col 6, ll 41-44; col 6, ll 45-48)

A trusted table is a table generated by the server (a somewhat "trusted" source). The less trusted table is a table generated by the user (a somewhat "less trusted" source. (Specification page 15, ll 20-23; page 16, ll 2-3: trusted and less trusted tables) Meyer and Suganuma disclose the generation of a database table. (Meyer para 078], ll 2-6: search tables based on identifier; see Suganuma col 2, ll 54-59: generation of tables: trusted and less trusted table))

Specification:

Page 16, ll 7- Page 17, l 4: When a media's physical ID is received by the server system, a first search is conducted on the trusted table 500. This search looks for a corresponding physical ID that has been mapped to a logical ID. The first search is a low cost search that is configured to search the database quickly. **A low cost search can include searches that use a few elements to determine a match.** If a matching physical ID to logical ID mapping is found, then the logical ID is used as the basis for a database search to retrieve any relevant metadata. If, on the other hand, a matching physical ID is not found, then a second search is conducted. This second search is conducted on the less trusted table 502--the user-provided mappings. If a matching physical ID to logical ID mapping is found, then the logical ID is used as the basis for a database search to retrieve any relevant metadata. The search is desirably another low cost search. If no match is found on this second search, then a third search is conducted back on trusted table 500. This search is a higher cost search that more extensively searches the table. **A higher cost search is a search that can use more elements than the low cost search to determine a match.** If a match is found, then the corresponding logical ID is used as the basis for a database query. If no match is found, then in one embodiment, the process fails and returns no metadata. The process can also launch into a mode in which the user is prompted to enter information associated with their specific media so that a logical ID can be established for that particular piece of media, and a physical ID to logical ID mapping can be formed. This is part of the processing that takes place using the Wizard, which is discussed in more detail below in the section entitled "Wizard".

Page 15, ll 21-22: "Table 500 is a **canonical table** that **holds trusted physical ID to logical ID mappings**."

Applicant has disclosed search capability for a search table. A search table is

equivalent to a relational database search table. A relational database is a set of generated table containing information (equivalent to metadata). A set of tools exist for the relational database in order to search the set of relational database table using a logical index and retrieve a set of database records containing information such as a physical ID. A low cost search is a search with a "small" number of search parameters and a high search is a search with a large number of search parameters. Both of these searches are standard relational database searches with differing numbers of search parameters.

A trusted table is a database search table generated by a server. An untrusted table is database search table generated with user entries (via a user interface wizard). Both of these searches are standard relational database searches with a set of search parameters. A canonical search table is a trusted search table. (Specification page 15, ll 21-22)

All of these searches are standard relational database searches with different sets of search parameters. In addition, the tools used to generate the information within the relational database differ. One set of relational database tables are generated by a server system and one set of relational database tables are generated by user supplied information. These are not new and novel concepts. These are concepts well known in the art.

D: Claims 72-76 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,345,257 to Milsted et al. ("Milsted").

D.1: "statistically evaluating the entries to determine, for each physical ID, a most likely logical ID match". (Appeal Page 39)

Response to D.1:

Milsted discloses the capability for statistical metadata associated to physical Ids. Meyer in view of Milsted discloses collection and analysis of data concerning the media content and identifiers to generate statistical information. (Milsted col 6, ll 34-38; col 6, ll 42-47: *track and log usage of media content by client systems* ; col 20, ll 21-25: *identifier linked to media content and metadata*)

Tracking and logging usage of media content discloses the number of times the physical ID has been mapped. In addition, the tracking and logging of content usage discloses which logical IDs exists for a given physical ID. Tracking and logging of content usage discloses a distribution of logical IDs since the information collected would indicate which are the most used logical IDs and which are the least used logical IDs (a distribution of logical ID usage).

In addition, the collection of statistical data to determine probabilities (i.e. or the most likely occurrence of an event such as the selection of a logical ID from a physical ID) is not a novel idea. These database and statistical functions are well known and have been available.

D. 2: "providing a table containing user-provided entries that map physical IDs to logical IDs". (Appeal Page 39)

Response to D.2:

Meyer discloses a database (search table). Meyer discloses a mapping between physical IDs and logical IDs. (Meyer paragraph 018, ll 5-11; paragraph 019, ll 1-5) Meyer discloses an association (i.e. mapping) between an identifier and an object (i.e. database record designating media such as a CD). This association is a logical index (i.e. logical ID) utilized to search a database and return a set of one or more database records. In addition, Meyer discloses that the database object contains other information used in decoding to identify the object, such as its distributor or broadcaster. This other information contains additional identification information such as the physical ID (i.e. other identification information). Multiple physical IDs (i.e. information for multiple database records) can be associated (i.e. mapped) to a single logical ID. (Meyer Paragraph [0018], ll 5-9: mapping between physical ID and logical ID) Therefore, Meyer discloses the capability for one logical ID to be mapped to multiple physical IDs. (i.e. multiple BackStreet Boys CDs (i.e. physical IDs) returned in response to one logical ID)

D.3: "computing a distribution of logical IDs for a given physical ID, the distribution describing, for each logical ID, the number of times the physical ID has been mapped thereto; adding to the distribution, an entry that corresponds to a current trusted logical ID mapping; weighting the added entry; and computing, from the distribution, a most likely physical ID to logical ID match. "

Response to D.3:

Milsted discloses the capability for statistical metadata associated to physical Ids. Meyer in view of Milsted discloses collection and analysis of data concerning the media content and identifiers to generate statistical information. (Milsted col 6, ll 34-38; col 6, ll 42-47: *track and log usage of media content by client systems* ; col 20, ll 21-25: *identifier linked to media content and metadata*)

Tracking and logging usage of media content discloses the number of times the physical ID has been mapped. In addition, the tracking and logging of content usage discloses which logical IDs exists for a given physical ID. Tracking and logging of content usage discloses a distribution of logical IDs since the information collected would indicate which are the most used logical IDs and which are the least used logical IDs (a distribution of logical ID usage).

In addition, the collection of statistical data to determine probabilities (i.e. or the most likely occurrence of an event such as the selection of a logical ID from a physical ID) is not a novel idea. These database and statistical functions are well known and have been available.

Conclusion

Meyer discloses an association or mapping between an identifier and an object (i.e. database record designating media such as a CD). This association is a logical index (i.e. logical ID) utilized to search a database and return a set of one or more database records.

In addition, Meyer discloses that the database object contains other information used in decoding to identify the object, such as its distributor or broadcaster. This other information contains additional identification information such as the physical ID (i.e. other identification information). Multiple physical IDs (i.e. information for multiple database records) can be associated or mapped to a single logical ID. Therefore, Meyer discloses the capability for one logical ID to be mapped to multiple physical IDs. (i.e. multiple BackStreet Boys CDs (i.e. physical IDs) returned in response to one logical ID) Meyer discloses a mapping between physical IDs and logical IDs.

The referenced prior art discloses the capability for a physical ID that corresponds to a specific media or specific CD or specific DVD associated with content. Meyer discloses identifiers (i.e. logical, physical identifier) utilized to link media and metadata (i.e. contextual information about media content). Meyer discloses a physical identifier for a media entity. In addition, Meyer discloses a registration process wherein an identifier (i.e. a logical identifier) is linked with a database record, which associates that identifier with data (i.e. a physical identifier) within the database record. And, Srivastava discloses the capability to map identification information within a database management structure.

Meyer discloses a registration process wherein an identifier (i.e. a logical identifier) is linked with a database record, which associates that identifier with data (i.e. a physical identifier) within the database record. And, Srivastava discloses the capability to map identification information within a database management structure.

Meyer discloses the capability for sending physical ID to a server configured to return metadata associated with the specific media. Meyer discloses the capability to obtain an identifier, which is sent to one or more server systems (i.e. databases) and used to search a database to obtain associated metadata (i.e. contextual information concerning media content).

The referenced prior art discloses the capability to utilize search tables. The Jaeger and Suganuma disclose the usage of multiple search tables to access the data within a database management system.

The referenced prior art discloses search capability utilizing different search criteria (i.e. low cost (small number of search terms), high cost (larger number of search terms)). Meyer discloses search capabilities. Meyer in view of Jaeger discloses a table data structure utilizing physical ID, logical ID mapping information. Meyer in view of Jaeger discloses a physical ID - logical ID table data structure, utilizing different search techniques to obtain metadata information via an identifier.

The reference prior art discloses the capability for the collection and generation of statistical metadata associated with physical IDs. Meyer and Milsted disclose the collection and analysis of usage data concerning media content and associated identifiers to generate statistical information.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kyung H Shin
Patent Examiner
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KHS
June 15, 2008

Conferees:

-/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154--

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